

U.S. Asks for Rehearing On Bugging Restriction

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The Supreme Court was told yesterday that a decision last week could make it impossible to prosecute for an ordinary crime any person lucky enough to have his voice overheard on a wiretap installed by American intelligence agents.

Solicitor General Erwin N. Griswold, in a rare Government petition for rehearing before the high court, argued that the Government should not be forced to choose between full disclosure of illegal bugging, as required by the ruling, and dropping a prosecution to avoid compromising intelligence secrets.

Since the Government would invariably choose to preserve its secrets, said Gris-

wold, the Court's decision would, in effect, grant perpetual immunity "for all crimes past, present or future" for individuals who stumble into an electronic surveillance.

It might also "point the way for the well-advised person to obtain such immunity by simply making a telephone call" to a place likely to be the target of an intelligence wiretap, Griswold said.

Griswold avoided direct mention of foreign embassies in Washington, but it was clear from references to several cases that the likeliest eavesdropping targets of national security agents were the embassies.

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